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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Carly Rheinlander,

10 Plaintiff,

11 v.

12 Eric Lindenau, et al.,

13 Defendants.  
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No. CV-17-00409-TUC-DCB

**ORDER**

15 Plaintiff's attorney, Paul Palmisano, filed a Motion to Withdraw as counsel because  
16 he is no longer practicing law. He reports that the Plaintiff does not have funds to retain  
17 another attorney and asks the Court to appoint an attorney to represent her. This is a civil  
18 rights claim brought pursuant to 42 U.S.C. § 1983. There is no constitutional right to the  
19 appointment of counsel in a civil case. *See, Ivey v. Board of Regents of University of*  
20 *Alaska*, 673 F.2d 266, 269 (9th Cir. 1982); *Randall v. Wyrick*, 642 F.2d 304, 307 n. 6 (8th  
21 Cir. 1981). The appointment of counsel in a civil rights case is required only when  
22 exceptional circumstances are present. *Aldabe v. Aldabe*, 616 F.2d 1089, 1093 (9th Cir.  
23 1980); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). A determination with  
24 respect to exceptional circumstances requires an evaluation of the likelihood of success on  
25 the merits as well as the ability of a plaintiff to articulate his claims *pro se* in light of the  
26 complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331 (9th Cir. 1986). Having  
27 considered both elements, it does not presently appear that exceptional circumstances exist  
28 that would require the appointment of counsel.

1 Plaintiff's Complaint was filed by counsel, Paul S. Banales. Mr. Palmisano was  
2 substituted as counsel on May 9, 2018. Both parties filed dispositive motions on December  
3 7, 2018. Plaintiff filed a Response to Defendants' motion on December 30, 2018, and by  
4 Notice of Errata refiled the Response on January 8, 2019. On January 14, 2019, Defendants  
5 filed a Reply, supporting their Motion for Summary Judgment. Plaintiff did not file a Reply  
6 supporting her Motion for Partial Summary Judgment. Replies are optional. LR Civ.  
7 7.2(d). Accordingly, the dispositive motions are fully briefed and ready for review and  
8 determination by the Court.

9 In the event the case is not decided by dispositive motion, the Court shall reconsider  
10 the request for appointment of counsel. The Court will be better positioned to assess the  
11 strength of the case after it reviews and rules on the parties' motions for summary  
12 judgment.

13 **Accordingly,**

14 **IT IS ORDERED** that the Motion to Withdraw as Counsel (Doc. 43) is  
15 GRANTED.

16 **IT IS FURTHER ORDERED** that the Plaintiff shall appear pro se, and the Clerk  
17 of the Court shall change the docket to reflect this and that the Plaintiff's address is 6353  
18 S. Amulet Dr., Mesa, AZ 85212.

19 Dated this 6th day of March, 2019.

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Honorable David C. Bury  
United States District Judge